

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DELMÍ MARTÍNEZ-LOPEZ, as Guardian of the  
Person and Property of Raul A. Martinez,

Plaintiff(s),

-against-

COUNTY OF SUFFOLK,

Defendant(s).

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**REPORT AND  
RECOMMENDATION**

CV09-742 (TCP) (WDW)

**WILLIAM D. WALL, United States Magistrate Judge:**

By order dated March 22, 2011, I found that the plaintiff could not proceed pro se on behalf of her deceased son's estate, and gave her until May 23, 2011 to obtain counsel. DE[24]. She was expressly warned that if she failed to do so, I would recommend that the action be dismissed for the reasons set forth in the order. No counsel has appeared and the defendant has filed a motion seeking that recommendation. DE[26]. For the reasons set forth in the earlier order, I now recommend dismissal.

**OBJECTIONS**

A copy of this Report and Recommendation is being sent to the plaintiff by mail and to the defendant by electronic notice on the date below. Any objections to this Report and Recommendation must be filed with the Clerk of the Court within 14 days. *See* 28 U.S.C. §636 (b)(1); Fed. R. Civ. P. 72; Fed. R. Civ. P. 6(a) and 6(d). Failure to file objections within this period waives the right to appeal the District Court's Order. *See Ferrer v. Woliver*, 2008 WL 4951035, at \*2 (2d Cir. Nov. 20, 2008); *Beverly v. Walker*, 118 F.3d 900, 902 (2d Cir. 1997); *Savoie v. Merchants Bank*, 84 F.3d 52, 60 (2d Cir. 1996).

Dated: Central Islip, New York  
June 28, 2011

/s/ William D. Wall  
WILLIAM D. WALL  
United States Magistrate Judge